

REMARKS

Claims 1, 3, 4, 6-10, 12, 13, 16-21, and 24-35 are pending, with claims 1, 9, 20 and 29-31 being independent.

Applicants thank Examiner Woo for participating in telephonic interviews with Applicants' representative on July 16, 2009 and on July 28, 2009. The substance of the interviews is incorporated into the following remarks. Applicants note that Examiner Woo kindly agreed during the interviews to enter this supplemental amendment prior to further examination of this application.

Independent claims 1, 9, 30 and 31 have been rejected as being unpatentable over Nelson '804 (U.S. Patent No. 6,430,804) in view of Nelson '554 (U.S. Patent No. 4,798,554).

Each of independent claims 1, 30 and 31 has been amended to recite that the projecting surface encircles the bore. As acknowledged by the Examiner during the interview of July 28, 2009, Nelson '804 does not describe or suggest that the latch 68 and/or lip 64 (which the Office Action equates to the recited projecting surface) encircles the bore of tube 62 (which the Office Action equates to the recited bore). Rather, Nelson '804 only describes that the lip 64 extends from an inner periphery of tube 62 to latchingly engage with a tab 76 of the latch 68. See col. 3, lines 59-65 of Nelson '804. Accordingly, nothing in Nelson '804's disclosure describes or suggests that the latch 68 and lip 62 are operatively engaged with each other such that they encircle the bore of tube 62. Nelson '554 does not remedy the failure of Nelson '804 to describe or suggest the recited projecting surface, nor is it relied upon by the Office Action for such a teaching. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claims 1, 30 and 31 over Nelson '804 in view of Nelson '554.

Independent claim 9 has been amended to recite that the tube defines a hole through a lateral surface of the tube. The Office Action acknowledges that Nelson '804 does not describe or suggest a tube and, therefore, relies on Nelson '554 to remedy this deficiency of Nelson '804. As acknowledged by the Examiner during the interview of July 16th, 2009, however, the balloon stick 2 or 28 of Nelson '554 (which the Office Action equates to the recited tube) does not define a hole through a lateral surface of the balloon stick 2 or 28. Rather, as shown in Figs. 1 and 12 of Nelson '554, the balloon stick 2 or 28 defines no openings along its lateral extent. For at least

this reason, applicants request reconsideration and withdrawal of the rejection of claim 9 and its dependent claims over Nelson '804 in view of Nelson '554.

Independent claim 20 has been rejected as being anticipated by Mericle (U.S. Patent No. 5,423,837). As stated in the response to the Office Action filed on July 2, 2009, applicants amended claim 20 to recite introducing an end of a member into the body through a larger opening of the tapered hole and, after the end of the member is introduced into the body through the larger opening of the tapered hole, guiding the member into the tube through the tapered hole. In Mericle, an end of the suture material (which the Office Action equates to the recited member) is not introduced into tip 6 (which the Office Action equates to the recited body) through the portion of bore 26 located at shoulder 24 (which the Office Action equates to the larger opening of the tapered hole). Rather, the end of the suture material is introduced into tip 6 through slit 29 and opening 28 (which the Office Action equates to the smaller opening of the tapered hole). See col. 5, lines 43-47 of Mericle. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 20, and its rejected dependent claims, over Mericle.

Independent claim 29 has been rejected as anticipated by Nelson '804.

Independent claim 29, as amended, recites a cylindrical handle integrally attached to the body and projecting on only one side of the body opposite to the slot. As acknowledged by the Examiner during the interview of July 16th, 2009, Nelson '804 does not describe the recited cylindrical handle. In Nelson '804, the pneumatic actuator 50 or piston 92 (which the Office Action equates in the alternative to the recited cylindrical handle) is not integrally attached to the device 60 (which the Office Action equates to the recited body). Rather, the pneumatic actuator 50 is connected to conduit 48 and to housing 20 by collar 52, and the piston 92 is connected to blade 94 and received within and connected to the pneumatic actuator 50. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claim 29 over Nelson '804.

Dependent claims 4 and 13, which depend from independent claims 1 and 9, respectively, have been rejected as unpatentable over Nelson '804 in view of Nelson '554 and Stivers (U.S. Patent No. 2,882,645). Stivers does not overcome the deficiencies in Nelson '804 and Nelson

'554 discussed above with respect to claims 1 and 9. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claims 4 and 13 over Nelson '804 in view of Nelson '554 and Stivers.

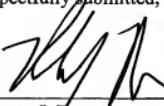
Dependent claims 7 and 18, which depend from independent claims 1 and 9, respectively, have been rejected as unpatentable over Nelson '804 in view of Nelson '554 and Mason (U.S. Patent No. 4,145,838). Mason does not overcome the deficiencies in Nelson '804 and Nelson '554 discussed above with respect to claims 1 and 9. For at least this reason, applicants request reconsideration and withdrawal of the rejection of claims 7 and 18 over Nelson '804 in view of Nelson '554 and Mason.

Applicants submit that all claims are in condition for allowance.

Applicants do not acquiesce in the Office Action's characterizations of the art. For brevity and to advance prosecution, however, applicants may have not addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by applicants to any of the Office Action's positions does not constitute a concession of the Office Action's positions. The fact that applicants' comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,



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